Court No. 2

Civil Writ Petition No. 357 of 2002 (M/B)

Sandeep Kumar Pathak ..... Petitioner

V/s

Director General of Police, Uttaranchal
and others ..... Respondents

Hon. P.C. Verma, J.
Hon. Irshad Hussain, J.

Heard Sri S.P.S.Panwar, learned counsel for the petitioner and learned C.S.C.

It is reported that the petitioner has applied for the post of Sub-Inspector (Police). In initial physical test, he was found to be qualified having the required measurement. He thereafter appeared for the written test. It is reported that he has qualified in that test also. On further physical test, he was declared to be unfit because his measure of the chest was deficient by 1 cm. The petitioner thereupon filed the instant petition.

The interim order was passed on 28.06.2002. By interim order, the respondents were directed to re-measure his chest and height. It is reported that on subsequent re-measurement in pursuant of the direction of this Court, the petitioner was again found to be suitable and qualified.

In view of this, the petitioner was entitled by the subsequent test, as prescribed, for selection. However, in the counter affidavit, the respondents tried to submit that petitioner tried to improve his chest by artificial measure by exercise, etc. and, therefore, he could not be said to be qualified on the initial date of measurement.

The submission as made is devoid of substance. Already, it is pointed out that on the date of initial measurement during physical test, he has qualified himself being suitable in physical measurement. As such, the contention of the respondents does not hold merit.

We, therefore, direct the respondents to permit the petitioner to undergo further test or examination as prescribed for the selection on the post in question.

With this direction, the petition is finally allowed.

Dt.05.09.2002 **(P.C. Verma, J.)**
A **(Irshad Hussain, J.)**